

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

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Erled.

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Applicant's or agent's file reference
2004-0106 P

IMPORTANT NOTIFICATION

International application No.
PCT/EP2005/000745

International filing date (day/month/year)
26 January 2005 (26.01.2005)

Applicant

OCE PRINTING SYSTEMS GMBH et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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(PCT Article 36 and Rule 70)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000745

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 3-23 as originally filed/furnished
- pages* 2, 2a received by this Authority on 28.11.2005 with letter of 28.11.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 5-21 received by this Authority on 28.11.2005 with letter of 28.11.2005
- nos.* 1-4 received by this Authority on 21.02.2006 with letter of 16.02.2006
- ☒ the drawings:
- sheets 1/2, 2/2 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☒ the description, pages 2
- ☒ the claims, nos. 1-19
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-21</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>2-21</u>	YES
	Claims	<u>1</u>	NO
Industrial applicability (IA)	Claims	<u>1-21</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. The application relates to the field of material control using active material labels with the main focus being placed on the concept of continuous quality control.			
2. Reference is made to the following documents:			
D1: US 2003/102367 A1 (MONETTE FRANCOIS ET AL) 5 June 2003 (2003-06-05)			
D2: DE 197 51 517 A1 (MICHAEL WEINIG AG, 97941 TAUBERBISCHOFSCHEIM, DE) 27 May 1999 (1999-05-27)			
Document D2 is considered the prior art closest to the subject matter of the application (the references between parentheses refer to the documents indicated).			
3. Claim 1			
The valid claim 1 reads: "method for controlling the material flow during the production of and/or the provision of wearing parts and/or replacement			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

parts in a product that is made up of a number of individual parts, in which

- the individual parts are each delivered to a goods input of a logistics system and each individual part is associated with a transponder, in which is stored production and/or delivery data relating to the individual part, including data relating to quality;
- the data stored in the transponder, including the data relating to quality, is read at the goods input and is used to control the further flow of material such that the individual parts are conveyed in a controlled manner to predefined subsequent processing stations; and
- at the goods input, a number of transponders are read out from at essentially the same time using an acquisition device, the transponders being accommodated in a common conveying unit".

None of the aforementioned documents contains "photographically" identical subject matter. The subject matter of the valid claim 1 is thus novel (PCT Article 33(2)).

The essence of the valid claim 1 lies in the use of transponders for the (automated) control of the material flow with the main focus being placed on the concept of continuous quality control. The transponders are loaded with material and flow

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

data which leads to logistic reactions at each processing or storage location.

This principle, however, is known to a person skilled in the art of logistics from general knowledge in the art and is also disclosed in general by documents D1 and D2 (see the citations in the ISR).

It does not (even with no express indication in the prior art) require an inventive step to freely select the data content of the transponders from a flow point of view. It is also generally known to combine the transponders and workpieces in a ratio of m/n , to copy and/or split data and to read it out at desired logistical points for the purpose of control.

The subject matter of the valid claim 1 is thus not inventive (PCT Article 33(3)).

4. Claim 2

The valid claim 2 is directed specifically to the monitoring of data relating to the quality of the individual parts, in order to automatically trigger an obligation to pay only

- a) upon removal of the individual part, or
- b) upon installation of the individual part, and not upon acceptance.

Systems in which the removal of goods marked with

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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transponders is automatically reported to a billing system are well-known in many different forms to a person skilled in the art. The available prior art does not, however, disclose or suggest the beginning of an obligation to pay upon installation in a part that is also provided with transponders. The commercial effect of initiating billing that is thus achieved cannot be assessed under patent law. However, the rationalisation of the process flow that is achieved does indicate a technical inventive step (PCT Article 33(3)).

5. Claims 3 to 18

The additional features in claims 3 to 18 are known to a person skilled in the art either from his general knowledge in the art or from documents D1 and D2, for example:

- a) quality testing (D2: column 1, line 50 ff.)
- b) the container for the bulk material has a transponder (D1: page 8, line 3 ff.)
- c) storage of quantities of data in the transponder (general knowledge)
- d) communication by means of computer networks (e.g.: D1: page 9, line 9 ff.)
- e) wireless communication (e.g.: D1: "RFID")
- f) transponders on packaging (general knowledge)
- g) data transfer between transponders (general knowledge)
- h) recycling data (D1: "dismantling data")
- i) controlling the process using a computer (D1:

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claim 1).

Therefore, none of claims 3 to 18 contains subject matter which with the given feature combination can be considered intrinsically to involve an inventive step (PCT Article 33(3)).

6. Claims 19 to 21

The above assessment also applies to claims 19 to 21, the subject matter of which is distinguished from the method claims discussed above only in that the category is different; the features, however, are comparable.

The subject matter of claims 19 to 21 is thus novel (PCT Article 33(2)) but when referring back to claim 1 does not involve an inventive step (PCT Article 33(3)).